

against Defendant Louis Giorla, Commissioner of Prisons are **DISMISSED WITH PREJUDICE**. The claims against Defendant City of Philadelphia are **DISMISSED WITHOUT PREJUDICE**. Plaintiff may file an amended complaint as to the City of Philadelphia no later than **April 24, 2015**.

It is so **ORDERED**.

BY THE COURT:

/s/Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

With regard to Defendant Giorla, the Commissioner of Prisons, the law is clear that a supervisor, such as the Commissioner, may be held liable only for his own unconstitutional conduct, not for that of his subordinates. *Barkes v. First Corr. Med., Inc.* 766 F.3d 307, 316 (3d Cir. 2014). Plaintiff fails to allege any conduct by the Commissioner that violated Plaintiff's rights or knowledge or acquiescence in any violation of Plaintiff's rights, and because there is no suggestion of possible liability against this Defendant, the claims against Defendant Giorla are dismissed with prejudice.